

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

DENNIS KISSMAN, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:18-cv-0018
)	
KOSEI OHNO, <i>et al.</i>,)	
)	
Defendants.)	
)	

ORDER

THIS MATTER comes before the Court on Defendants’ Motion for Judgment on the Pleadings. ECF No. 104. Defendants contend that Plaintiffs failed to properly allege claims against Kosei Ohno in his individual capacity. In light of the fact that this matter was removed from the Superior Court of the Virgin Islands, and that the Superior Court has a more liberal notice pleading standard¹ than the plausibility standard required in federal court, the Court will deny the motion and allow Plaintiffs to amend the complaint to properly allege claims against Ohno in his individual capacity. However, the deadline for Plaintiffs to file an amended complaint will be stayed pending final disposition of Defendants’ motion to disqualify counsel at ECF No. 24. Accordingly, it is hereby

¹ Virgin Islands Rule of Civil Procedure Rule 8(a) “expressly states that the Virgin Islands ‘is a notice pleading jurisdiction.’” *Mills-Williams v. Mapp*, 67 V.I. 574, 585 (2017) (citing V.I. R. Civ. P. 8(a)). In doing so, the rule “eliminates the plausibility standard and instead will permit a complaint so long as it ‘adequately alleges facts that put an accused party on notice of claims brought against it.’” *Id.* (citing *Brathwaite v. H.D.V.I. Holding Co.*, No. ST-16-CV-764, 2017 V.I. LEXIS 76, at *3 (Super. Ct. May 24, 2017). “Even if a complaint is ‘vague,’ ‘inartfully drafted,’ ‘a bare-bones outline,’ or ‘not a model of specificity,’ the complaint may still be adequate so long as it can reasonably be read as supporting a claim for relief, giving the defendant notice of that claim.” *Basic Servs., Inc. v. Gov’t of Virgin Islands*, 71 V.I. 652, 660 (2019)(quoting *Casaday v. Allstate Ins. Co.*, 232 P.3d 1075, 1080 (Utah App. 2010)).

Kissman, et al. v. Ohno, et al.

Case No. 3:18-cv-0018

Order

Page 2 of 2

ORDERED that the Defendants' Motion for Judgment on the Pleadings, ECF No. 104, is **DENIED**; it is further

ORDERED that the time for Plaintiffs to file an amended complaint shall be stayed pending final disposition of the motion to disqualify counsel at ECF No. 241.

Dated: March 30, 2024

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge